

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ROBERT GUERIN,

Plaintiff,

vs.

No. CIV 22-0629 JB/KBM

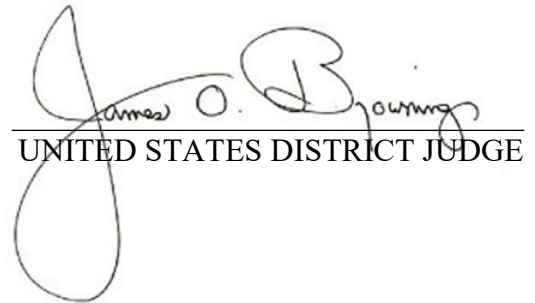
WEXFORD INC.; MEDICAL DIRECTOR;
JOHN DOE and DANIEL SEDILLO,

Defendants.

MEMORANDUM OPINION AND ORDER

THIS MATTER comes before the Court on the Plaintiff's Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915, filed August 22, 2022 (Doc. 2)("Motion"). Plaintiff Robert Guerin seeks to prosecute his Complaint, filed August 22, 2022 (Doc. 1), without prepaying the \$402 civil filing fee. See Motion at 1. The Court may grant such relief only where an inmate's "affidavit [and] . . . statement of . . . assets [demonstrate] that the [inmate] is unable to pay such fees or give security therefor." 28 U.S.C. § 1915(a)(1). Guerin's financial statement reflects that he has \$12,699.55 in his inmate spending account. See Motion at 4. The Court must therefore deny the Motion. See 28 U.S.C. § 1915(a)(1). Guerin shall pay the \$402.00 filing fee within thirty days of this Memorandum Opinion and Order's entry. The failure timely to comply with this Memorandum Opinion and Order may result in the dismissal of this action without further notice.

IT IS ORDERED that: (i) the Plaintiff's Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915, filed August 22, 2022 (Doc. 2), is denied; and (ii) Plaintiff Robert Guerin must submit the \$402.00 civil filing fee to the Clerk of Court within thirty days from this Memorandum Opinion and Order's entry.



UNITED STATES DISTRICT JUDGE

Parties:

Robert Guerin
Santa Fe, New Mexico

Plaintiff pro se